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09/777,032	02/05/2001	Stephen A. Bagshaw	ATI010003	2306
34456 7590 01/19/2007 LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730			EXAMINER HENEGHAN, MATTHEW E	
			ART UNIT 2134	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

**JAN 19 2007**

Application Number: 09/777,032  
Filing Date: February 05, 2001  
Appellant(s): BAGSHAW, STEPHEN A.

*Technology Center 2100*

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Ryan S. Davidson  
Registration No. 51,596  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 20 October 2006 appealing from the Office action mailed 15 June 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Appellant has solely identified claims 1, 12, 25, and 26 for appeal. Accordingly, the withdrawal of the appeal as to claims 2-5, 7-11, 13, 15-17, 19-24, 27, and 29-35 operates as an authorization to cancel these claims from the application. See MPEP § 1215.03.

In view of Appellant's arguments, claims 12, 25, and 26 are allowed.

This appeal solely involves claim 1. Claim 1 stands rejected under 35 U.S.C. 102(e).

Claims 2-11, 13-24, and 27-35 have been canceled.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 8 August 2005 has been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

**WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner: Claims 12, 25, and 26.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,157,719

WASILEWSKI et al.

12-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,157,719 to Wasilewski et al.

The digital cable (video) television system disclosed by Wasilewski, a set of any number of bit streams are combined and each of several bit streams are individually encrypted at a the Program Encrypt function 201 (see column 6, lines 24-27 and figure 2A). The stream is recovered and demultiplexed, producing a single stream (see column 7, lines 6-24 and Fig. 2B). The invention is implemented using set-top boxes.

#### **(10) Response to Argument**

The invention is related to the encryption of MPEG data streams. The MPEG standard is used in the storing and transmission of video, and an associated stream is typically open for the entire duration of a broadcast. See Wasilewski, Background of the Invention, column 1, line 57 to column 2, line 26. Wasilewski's invention addresses the processing of such data streams received in a set-top box.

Regarding Appellant's argument that Wasilewski only discloses the encryption of multiple data streams multiplexed together, rather than a single data stream, it is noted that the passage cited by Appellant in Wasilewski's disclosure only states that each elementary stream may be individually encrypted. Wasilewski goes on to present greater detail about these data streams, and specifically states that the encryption of a stream is done according to a key known as a Control Word (CW), and that the CW may change as often as once every few seconds (a shorter time than most broadcasts), and is applied to each elementary stream. The application of this control word change to

Art Unit: 2134

each elementary stream being transmitted, therefore, results in at least a first portion (the first part of the stream) encrypted using a first key, yielding a first encrypted stream, and a second portion (after the change in the CW) encrypted using a second key, yielding a second encrypted stream. See Wasilewski, column 6, lines 32-39.

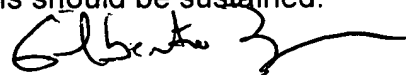
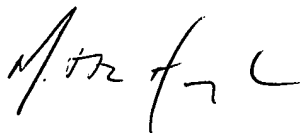
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Matthew Heneghan



GILBERTO BARRON JR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Conferees:

Gilberto Barron

Taghi Arani

